

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

IN RE: Patrick Boddie L.P.N. # 012812

Hill and Dale Road

Peekskill, New York 10566

1985-0912-011-039

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing, (hereafter the "Board"), was presented by the Department of Health Services with a Statement of Charges dated October 15, 1987.

The Statement of Charges alleged violations of certain provisions of Chapter 378, Connecticut General Statutes. The Board issued a Notice of Hearing dated October 15, 1987. The hearing took place on February 18, 1988, in room 112, National Guard Armory, Maxim Road, Hartford, Connecticut.

Each member of the Board involved in this decision attests that he/she has reviewed the record, and that this decision is based entirely on the record and their specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence at the above hearing, the Board made the following findings of fact:

1. Patrick Boddie, respondent, was at all pertinent times licensed to practice nursing as a licensed practical nurse with registration number 012812.
2. Pursuant to Connecticut General Statutes, Section 4-182(c), the respondent was provided full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of his license.
3. The Department of Health Services informed the respondent of the time and location of this hearing, by Process Server, the respondent requested to the Board, a continuance on February 17, 1988, this request was denied and the hearing was held as scheduled.
4. The respondent while working as a private duty licensed practical nurse, for a Mr. Robert Winslow in Ridgefield, Connecticut, on or about July 2, 1977, committed Larceny in the Third Degree, and was convicted thereafter.
5. The respondent's license as a licensed practical nurse in the State of New York was revoked on or about October 23, 1981.
6. The respondent while working as a private duty licensed practical nurse, for the patient Frank Healy, committed criminal possession of a Forged Instrument in the Second Degree on June 26, 1975, and was in criminal possession of stolen property in the First Degree on September 3, 1976, and was convicted thereafter.

7. The respondent while working as a licensed practical nurse, at the Norwalk Hospital on or about May 24, 1985, failed to provide adequate supervision to his private duty patient.

8. The respondent while working as a licensed practical nurse at Lea Manor Health Care Facility in Bridgeport, Connecticut on or about May 21, 1986, failed to administer insulin as charted on patients Anna Comito and Dorothy Holland.

DISCUSSION AND CONCLUSIONS

The First Count Subsection 3a alleged that while employed as a private duty licensed practical nurse, for a Mr. Robert Winslow in Ridgefield, Connecticut on or about July 2, 1977, committed larceny in the Third Degree. The respondent was not present at the hearing to respond to this charge, and failed to file an answer or other response to the Statement of Charges.

The above described conduct is a violation of the Connecticut General Statutes Section 20-99(b). In pertinent part, Section 20-99(b) includes: "(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; (6) fraud or material deception in the course of professional services or activities."

The Board has determined that on or about July 2, 1977, the respondent while working as a private duty licensed practical nurse, for a Mr. Robert Winslow in Ridgefield, Connecticut, committed larceny in the Third degree. This is verified by Department Exhibit Q, a Preliminary Investigation Report dated September 23, 1986 which includes in section (4) an Affidavit of Detective R. Phillips Mitchell, of the Ridgefield Police Department, concerning the

respondent Patrick Boddie. In this Affidavit, Detective Mitchell cites three instances on or about July 2, 1977, in which the respondent had either directed to himself, or used to purchase property items, the funds or credit of his employers Mr. and Mrs. Robert Winslow, without their consent. The respondent was found guilty of larceny in the Third Degree on October 30, 1978 in the Superior Court for the District of Danbury, which is verified in the aforementioned exhibit, in a Findings Determination by the New York State Board for Nursing, (Committee on Professional Conduct). The Board therefore concludes that the respondent has violated Section 20-99(b) (2)(6) as specified in the First Count, Subsection 3a.

The Second Count Subsections 3a and 3b alleged that while working as a private duty licensed practical nurse, for the patient Frank Healy, the respondent committed criminal possession of a Forged Instrument in the Second Degree and was in criminal possession of Stolen Property in the First Degree. The respondent was not at the hearing to respond to this charge, and failed to file an answer or other response to the Statement of Charges.

The above described conduct is a violation of the Connecticut General Statutes Section 20-99(b). In pertinent part, Section 20-99(b) includes: "(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; (6) fraud or material deception in the course of professional services or activities."

The Board has determined that during June 26, 1975, and September 3, 1976, the respondent was found guilty of possession of a Forged Instrument in the Second Degree and possession of Stolen Property in the First Degree by the County Court of Westchester

County, New York. This is verified by Department Exhibit Q, in the Findings of Fact section by the Committee on Professional Conduct. Thereafter the respondent's license for nursing was revoked in the State of New York as stated in the Order of the Commissioner of Education of New York contained in Exhibit Q. The Board therefore concludes that the respondent has violated Section 20-99(b) (2)(6) as specified in the Second Count Subsections 3a and 3b.

The Third Count Subsection 3a alleged that on or about May 24, 1985 while working as a licensed practical nurse, on private duty at the Norwalk Hospital, the respondent failed to provide adequate supervision to his private duty patient. The respondent was not present at the hearing to respond to this charge, and failed to file an answer or other response to the Statement of Charges.

The above described conduct is a violation of the Connecticut General Statutes Section 20-99(b). In pertinent part, Section 20-99(b) includes: "(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions."

The Board has determined that on or about May 24, 1985, while working as a licensed practical nurse at the Norwalk Hospital, the respondent failed to provide adequate supervision to his private duty patient. This is verified by Department Exhibit Q, specifically, Investigator Thomas S. O'Grady's report and supporting medical records, in which he cites that after being given orders not to leave his patient unattended, the respondent did leave him unattended, during which time the patient pulled out his catheter. The Board therefore concludes that the respondent has violated Section 20-99(b) (2) as specified in the Third Count Subsection 3a.

The Fourth Count Subsection 3a alleged that on or about May 21, 1986, while working as a licensed practical nurse at the Lea Manor Health Care Facility, the respondent failed to administer insulin as charted on patients Anna Comito, and Dorothy Holland. The respondent was not present at the hearing to respond to this charge, and failed to file an answer or other response to the Statement of Charges.

The above described conduct is a violation of the Connecticut General Statutes Section 20-99(b). In pertinent part, Section 20-99(b) includes: "(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; (6) fraud or material deception in the course of professional services or activities; (7) wilful falsification of entries in any hospital, patient or other records pertaining to drugs, the result of which are detrimental to the health of a patient."

The Board has determined that on or about May 21, 1986, while working as a licensed practical nurse at the Lea Manor Health Care Facility, the respondent failed to administer insulin as charted on patients Anna Comito, and Dorothy Holland. This is verified by Department Exhibit R, specifically starting with a voluntary statement by Carol I. Drew, a registered nurse who relieved the respondent on May 21, 1986, after the aforementioned incident occurred. This, along with the two aforementioned patients reporting to nurse Carol I. Drew, that they had not received their dosages of insulin, was the evidence presented in Department Exhibit R. The Board therefore concludes that the respondent has violated Section 20-99(b) (2)(6)(7) as specified in the Fourth Count Subsection 3a.

ORDER

a. It is the decision of the Board of Examiners for Nursing that the license of the respondent be revoked, to be determined as follows:

- i. for the First Count Subsection 3a the respondent's license is to be revoked.
- ii. for the Second Count section 2 and Subsections 3a and 3b the respondent's license is to be revoked.
- iii. for the Third Count Subsection 3a the respondent's license is to be revoked.
- iv. for the Fourth Count Subsection 3a the respondents license is to be revoked.

The respondent, Patrick Boddie, L.P.N. license # 012812, is hereby directed to surrender his license and current registration to the Board of Examiners for Nursing 150 Washington Street, Hartford Connecticut 06106, on or before May 1, 1988.

The Board of Examiners for Nursing herewith advises the Department of Health Services of the State of Connecticut of this decision.

Dated at *Hartford* , Connecticut, this *5th* day of *April* , 19*55*

BOARD OF EXAMINERS FOR NURSING

By *Lester J. McHughen*

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